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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,208	01/31/2007	Folke Axelsson	069798-080672	4688

26288 7590 11/18/2010

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EXAMINER	
DIAZ, JOSE	
ART UNIT	PAPER NUMBER
2879	
MAIL DATE	DELIVERY MODE
11/18/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,208	AXELSSON, FOLKE	
	Examiner	Art Unit	
	JOSE M. DIAZ	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 August 2010* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Remarks, filed on 08/25/2010, has been entered and acknowledged by the Examiner.

Claims 1 is pending in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sica (5536998)**, in view of **Hierholzer et al (2791679), Hierholzer hereinafter.**

Regarding **claim 1**, Sica clearly shows and discloses a fluorescent lamp, which comprises an elongated main tube (12), a fixing device (20) at each end of the fluorescent lamp (10) for fixing the fluorescent lamp (10) in a light fitting (it is inherent that there will be a fitting to accommodate the lamp), two electrodes (inherent therein) provided with emitter material placed inside the main tube (12), a heat-insulating outer tube (16) that surrounds the main tube (12) and creates an airspace (C) between the main tube (12) and the outer tube (16), each fixing device comprising an end cap (20)

with a radial part, that delimits an outer end plane of the fluorescent lamp (10), and adhesive filler material (24) (fig. 1, col. 3, lines 45-57 and col. 4, lines 8-10).

However, Sica fails to exemplify that the end cap comprises an axial peripheral part, the axial peripheral part of the end cap being connected to an end of the outer tube and further comprising a one-piece axial spacer made entirely of a material with low heat conductivity which has a first end part which holds and centers an end of the main tube and a second end part that adjoins said outer end plane and keeps the main tube separate from the end cap in order to reduce the transmission of heat from the main tube to the end cap and the outer tube, wherein the second end part of the spacer has a plurality of outwardly radially-projecting guide elements in the form of radial lugs distributed with intermediate spaces between them around the circumference of said axial spacer, against which the end of the outer tube abuts, adhesive filler material being disposed in the spaces between said radial lugs and joining said spacer, end cap and outer tube to each other.

In the same field of endeavor, Hierholzer clearly shows and discloses an end cap (27, col. 2, line 47) with an axial peripheral part (fingers 28, col. 2, lines 47-51), characterized in that the axial peripheral part (28) of the end cap (27) is connected to an end of an outer tube (25, col. 2, lines 38-39) and further comprising a one-piece axial spacer (18, col. 2, lines 26-28) made entirely of a material with low heat conductivity has a first end part (22) which holds and centers an end of a main tube (10) and a second end part (19) that adjoins the outer end plane and keeps the main tube (10) separate from the end cap (27), wherein the second end part (19) of the spacer (18) has one or

several radially-projecting guide elements (23, col. 2, lines 36-38) in the form of radial lugs (see fig. 3) distributed with intermediate spaces (indentations 31, col. 2, lines 61-63) between them around the circumference of the axial spacer (18), against which the end of the outer tube (25) abuts (figs. 1-3), in order to allow retention of the heat and to improve the vaporization and ionization within the lamp.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an end cap comprising an axial peripheral part, the axial peripheral part of the end cap being connected to an end of the outer tube and further comprising a one-piece axial spacer made entirely of a material with low heat conductivity which has a first end part which holds and centers an end of the main tube and a second end part that adjoins said outer end plane and keeps the main tube separate from the end cap in order to reduce the transmission of heat from the main tube to the end cap and the outer tube, wherein the second end part of the spacer has a plurality of outwardly radially-projecting guide elements in the form of radial lugs distributed with intermediate spaces between them around the circumference of said axial spacer, against which the end of the outer tube abuts as taught by Hierholzer and adapt it to Sica device in a similar manner such that adhesive filler material (24) of Sica would providing additional anchor disposed in the spaces (31) between radial lugs Hierholzer and joining the spacer, end cap and outer tube to each other, in order to allow retention of the heat and to improve the vaporization and ionization within the lamp.

Response to Arguments

Applicant's arguments filed 08/25/2010 have been fully considered but they are not persuasive. Examiner most respectfully disagrees with Applicant's arguments. Applicant basically argues that the Hierhozer design is encumbered with exactly those disadvantages which the present invention is designed to overcome, holding that Hierhozer design is not easy to assemble because it comprises ferrules, snap rings 31 and even a clamp ring 29. The presence of additional elements that comprises the device of the applied arts is not precluded by the present invention as claimed. The disclosure of the instant application states that a radially-projecting guide element in order to make easier the assembly of the outer tube and the end cap when assembling the fluorescent lamp; it is to note that Hierhozer teaches a radially-projecting guide element, as stated in the rejection above. Therefore, Hierhozer teaching would make easier the assembly of the outer tube and the end cap when assembling the fluorescent lamp.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE M. DIAZ whose telephone number is (571)272-9822. The examiner can normally be reached on 7:00 - 5:00 EST Monday-Thursday; Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/José M. Díaz/

Examiner, Art Unit 2879

/NIMESHKUMAR D. PATEL/
Supervisory Patent Examiner, Art Unit 2879